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EXAMINER				
ALAM, MUSHFIKH I				
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2623				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,043

Applicant(s)

BERSTIS, VIKTORS

Examiner

MUSHFIKH ALAM

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-17, 19-23 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-17, 19-23 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-17, 19-23, 26-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-17, 19-23, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krasnow et al. (US 2003/0226141) in view of Logan et al. (US 2006/0218579) hereinafter referred to as Logan et al. and further in view of Logan (US 2008/0052739) hereinafter referred to as Logan.

Claim 1, Krasnow teaches a system for screening broadcast programming, comprising:

- a real time viewer (client device) configured to receive broadcast programming and to present the received broadcast programming to a user (client) in real time (paragraph [0025]). *The client receives live feeds from the content server 102 (paragraph 0020);*

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- a real time interface (interactive interface) configured to receive user input (viewer-input) from a real time screener (client user watching an advertisement), the user input comprising real time screening information (metadata on particular advertisement) (paragraphs [0048], [0052])
- a broadcast recorder configured to store the received broadcast programming (paragraph [0053]);
- a processor central screening module (advertising component) coupled to the real time interface (client device) configured to store the user input (viewer-input selections of advertisements of interest) generate a real time screening signal (viewer likes) based on the real time screening information (advertisement information of viewer-inputs) (paragraph [0049]).

Krasnow is silent regarding a system for screening broadcast programming, comprising:

- having at least a content of interest start time and end time that define a content of interest segment based on the received broadcast programming;
- a precision review processor configured to receive the stored broadcast programming and the real time screening information and to present portions of the stored broadcast programming before and after the start time and end time.
- a precision interface configured to receive user input from a precision screener.
- the user input comprising precision screening information having a precise start time and end time for the content of interest segment based on the portions of the stored broadcast programming; and
- the precision interface configured to generate a precision screening signal based on the user input precision screening information.

Logan et al. teaches a system for screening broadcast programming, comprising:

- having at least a content of interest start time and end time (i.e. time stamps) that define a content of interest segment (i.e. when interest is advertisements) based on the received broadcast programming (paragraph [0091]). *Segments may be marked corresponding to the start and end times of commercials.*

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- a precision review processor configured to receive the stored broadcast programming (marked segments that are of interest i.e. commercials) and the real time screening information (time stamps) and to present portions of the stored broadcast programming before (when detecting a segment to delete) and after (when detecting a segment to jump to) the start time and end time (paragraph [0049]). *Programming signal is marked by the editing unit to extract segments of interest for the user.*
- a precision interface configured to receive user input from a precision screener (user) (paragraph [0049]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided marking start and end times as taught by Logan et al. to the real time broadcasts of Krasnow to locate segments of interest of lack of interest (paragraph [0014]).

Logan teaches a system for screening broadcast programming, comprising:

- the user input comprising precision screening information having a precise start time and end time (final adjustment) for the content of interest segment based on the portions of the stored broadcast programming (paragraph [0102]); and
- the precision interface configured to generate a precision screening signal based on the user input precision screening information (performing the final adjustment) (paragraph [0102]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the ability to perform a final adjustment on a previously adjust segments as taught by Logan to the marking of segments of Logan et al. and Krasnow to more accurately identify the precise beginning and ending of segments (paragraph [0102]).

Claim 3, Krasnow teaches the system further comprising a plurality of real time interfaces (associated with each of a plurality of client devices) and configured to receive user input (viewer-input at each client device) from a plurality of real time screeners (users) (fig. 1; paragraph [0048]).

Logan et al teaches the user input comprising at least a content of interest start time and end time defining a content of interest segment based on the broadcast programming (paragraph [0091]).

Claim 4, Krasnow further teaches the system further comprising:

- a real time screening signal processor (338) coupled to the plurality of real time interfaces (client device interactive interfaces) and configured to store the user input (viewer-inputs) and generate the real time screening information (viewer-defined selections, or metadata) based on the user input from the plurality of real time screeners (paragraph [0048]).

Claim 5, Logan et al. teaches the system further comprising a client interface configured to receive client input from a client user (third party), the client input comprising at least a content of interest preference (paragraph [0010]). *Markings of the video signal may be performed by a third party who is interpreted as a client user.*

Claim 6, Krasnow teaches the system wherein the central screening module (338) is further configured to generate a screening signal (viewer-inputs log) based on the client input (third party user of Logan et al.) and at least one of the real time screening information (advertisement information) (paragraphs [0048], [0050]).

Claim 7, Krasnow teaches the system wherein the real time viewer is configured to present audio (video content includes video and audio data) broadcast programming to the real time screener (paragraph [0043]).

Claim 8, Logan teaches the system wherein precision viewer is configured to present audio broadcast programming to the precision screener (paragraph [0109]).

Claim 9 recites a freelance screener performing the same functions as recited in at least claim 1. Logan et al. discloses features as claimed in at least claim 1 as to a third party having the ability to perform those functions. This third party is interpreted as a freelance screener.

Claim 10, Krasnow teaches the system further comprising:

- a plurality of interfaces configured to receive a plurality of screeners (fig. 1; paragraph [0048]).
- storing the user input (viewer-inputs) and generate screening information (viewer selections) based on the user input from the screener (paragraph [0049]).

Logan teaches the system further comprising:

- a precision interface and configured to receive user input from a precision screener, the user input comprising precision screening information having a precise start time and end time for the content of interest segment (paragraph [0109]); and
- a precision screening signal processor coupled to a precision interface (paragraph [0109]).

Claim 11 is analyzed as a combination of claims 3 and 4.

Claim 12, Krasnow teaches the system wherein generating a real time screening signal based on the user input from the plurality of real time screeners comprises:

- compiling the real time screening information from the plurality of real time screeners(fig. 1; paragraph [0048]); and

Logan teaches the system wherein generating a real time screening signal based on the user input from the plurality of real time screeners comprises:

- reconciling (finalizing) differences in delay (from original segmentation) among one or more of the plurality of real time screeners to generate reconciled (precise final adjusted) content of interest segment information (paragraph [0109]). Therefore, it would have been obvious to incorporate the teaching as further taught by Logan in order to improve efficiency in presentation.

Claim 13 recites computer program code to perform the steps of claim 1. It is inherent that Krasnow teaches computer program code to perform the steps of claim 1 as noted above.

Claim 14 recites computer program code to perform the steps of claim 7. It is inherent that Krasnow teaches computer program code to perform the steps of claim 7 as noted above.

Claim 15 recites computer program code to perform the steps of claim 8. It is inherent that Krasnow teaches computer program code to perform the steps of claim 8 as noted above.

Claim 16 recites computer program code to perform the steps of claim 9. It is inherent that Krasnow teaches computer program code to perform the steps of claim 9 as noted above.

Claim 17 is analyzed as an apparatus of claim 1.

Claim 19 is analyzed as an apparatus of claim 3.

Claim 20 is analyzed as an apparatus of claim 4.

Claim 21 is analyzed as an apparatus of claims 4 and 12.

Claim 22 is analyzed as an apparatus of claim 5.

Claim 23 is analyzed as an apparatus of claim 6.

Claim 26 is analyzed as an apparatus of claim 9.

Claim 27 is analyzed as an apparatus of claim 10.

Claim 28 is analyzed as an apparatus of claim 10 and 12.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA
3/12/2008

/Son P Huynh/
Primary Examiner, Art Unit 2623